

Rambler, Alexis

From: Stark, David
Sent: Wednesday, April 28, 2021 3:11 PM
To: Gudrun Thompson; Heather Smith; Rebecca J. Dulin; Nelson, Jeff; Grube-Lybarker, Carri; Bateman, Andrew; Edwards, Nanette; richard@rlwhitt.law; jamey.goldin@jameygoldin.com; Weston Adams; Samuel Wellborn; fellerbe@robinsongray.com; court.walsh@nelsonmullins.com; Kate Lee Mixson; Hall, Roger; John J. Pringle, Jr.; tspeer@turnerpadget.com; richard@rlwhitt.law; Kate Lee Mixson; bbreitschwerdt@mcguirewoods.com; bsnowden@kilpatricktownsend.com; counsel@carolinasceba.com; counsel@carolinasceba.com; rmangum@turnerpadget.com
Cc: PSC_Contact; Wessinger-Hill, JoAnne
Subject: RE: [External] Re: Grevatt Cross Exhibit 9

My understanding is that such a process would be the most efficient, given the technical circumstances we are currently operating under – which is admittedly less than ideal.

Parties: please be sure to very clearly identify any cross examination decisions that you intend to use, and make sure the documents are distributed via email to the parties (and witness). Each attorney needs to confirm that their own witness has received the cross examination document in question.

To be absolutely crystalline about my intentions, this is the process:

- 1) Email PDFs of the potential cross examination documents to the Commission – specifically, to Jo Anne. Those documents will not be referenced or looked at unless a party uses them in the course of the litigation. This should already have been done.
- 2) If you are going to make use of a cross examination document, CLEARLY indicate which document it is that you are going to use. You may also share your screen at this time.
- 3) Before you begin questioning, the attorney conducting cross must distribute the document to each of the attorneys and the witness in question.
- 4) If your witness is being crossed, you are responsible for making sure that your witness has access to the document before the questioning utilizing the document may be conducted.
- 5) The rest of the evidentiary process remains intact.

In my view, this is the best available process at this time.

Regards,
David Stark

From: Gudrun Thompson <gthompson@selcnc.org>
Sent: Wednesday, April 28, 2021 1:55 PM
To: Stark, David <david.stark@psc.sc.gov>; Heather Smith <heather.smith@duke-energy.com>; Rebecca J. Dulin <Rebecca.Dulin@duke-energy.com>; Nelson, Jeff <jnelson@ors.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Bateman, Andrew <abateman@ors.sc.gov>; Edwards, Nanette <nedwards@ors.sc.gov>; richard@rlwhitt.law; jamey.goldin@jameygoldin.com; Weston Adams <weston.adams@nelsonmullins.com>; Samuel Wellborn <swellborn@robinsongray.com>; fellerbe@robinsongray.com; court.walsh@nelsonmullins.com; Kate Lee Mixson <kmixson@selcsc.org>; Hall, Roger <RHall@scconsumer.gov>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; tspeer@turnerpadget.com; richard@rlwhitt.law; Kate Lee Mixson <kmixson@selcsc.org>;

bbreitschwerdt@mcguirewoods.com; bsnowden@kilpatricktownsend.com; counsel@carolinasceba.com;
counsel@carolinasceba.com; rmangum@turnerpadget.com

Cc: PSC_Contact <Contact@psc.sc.gov>; Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Subject: [External] Re: Grevatt Cross Exhibit 9

Mr. Stark,

Thank you. Mr. Wellborn had only emailed the exhibit to Ms. Mixson and myself, after I requested it. I forwarded it to Mr. Grevatt.

My understanding from Ms. Wessinger Hill's earlier email was that the attorney seeking to use a cross exhibit was supposed to email it to the witness and all counsel just prior to attempting to introduce it and before beginning to cross the witness about it--replicating the procedure that would be followed if we were in the hearing room. Since there seems to be some confusion about the proper procedure, perhaps a clarification is in order.

Gudrun Thompson
Senior Attorney
Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516
(919) 945-7128
gthompson@selcnc.org

From: Stark, David <david.stark@psc.sc.gov>

Sent: Wednesday, April 28, 2021 1:37 PM

To: Heather Smith; Rebecca J. Dulin; Nelson, Jeff; Grube-Lybarker, Carri; Bateman, Andrew; Edwards, Nanette; richard@rlwhitt.law; jamey.goldin@jameygoldin.com; Weston Adams; Samuel Wellborn; fellerbe@robinsongray.com; court.walsh@nelsonmullins.com; Kate Lee Mixson; Hall, Roger; John J. Pringle, Jr.; tspeer@turnerpadget.com; richard@rlwhitt.law; Kate Lee Mixson; bbreitschwerdt@mcguirewoods.com; bsnowden@kilpatricktownsend.com; counsel@carolinasceba.com; counsel@carolinasceba.com; Gudrun Thompson; Gudrun Thompson; rmangum@turnerpadget.com

Cc: PSC_Contact; Wessinger-Hill, JoAnne

Subject: Grevatt Cross Exhibit 9

Parties:

I've distributing this document to make sure you all have access to it – although from my understanding, you all currently have access as provided by Mr. Wellborn.

-David Stark